IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13720 of 2004

Between:

M/s. Northern Power Distribution Company of A.P. Ltd., H. No. 1-1-504, Opp REC Petrol Pump, Chaitanyapuri, Hanumakonda, Warangal District rep by Chief General Manager (Expr.)
Sri A. Raghavulu

..... PETITIONER

AND

1 Commercial Tax Officer, Jangaon
2 Appellate Deputy Commissioner (CT) Warangal
3 Bank Manager, State Bank of Hyderabad Hanumakonda

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction particularly one in the nature of Writ of Mandmaus granting stay of collection of the balance disputed tax of Rs. 7,28,849/- in respect of assessment year 2000-01 under the CST Act and interest of Rs. 97,557/- in respect of the assessment years 2000-01 to 2003-04 which was ordered to be paid by the first respondent by his proceedings dated 26-06-2004 under the CST Act pending disposal of the appeal before the second respondent.

Counsel for the Petitioner:MR.SKRISHNA MURTHY

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following O R D E R

(Per the Hon'ble Sri Justice Bilal Nazki):

The petitioner had filed an application for stay, before the Appellate Deputy Commissioner (CT), Warangal-second respondent herein pending appeal, filed by it against the order of Commercial Tax Officer, Jangaon-first respondent herein. The second respondent rejected the application and the Writ Petition is filed.

In the interest of justice, we direct that 50 per cent of the liability shall be discharged within a period of four weeks, subject to outcome of the appeal. For four weeks, there shall be an unconditional stay and stay shall continue if half of the liability is discharged during this period. However, if the petitioner fails to deposit the amount, the stay shall stand vacated automatically.

The writ petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

4th August, 2004.

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(S.ANANDA REDDY,J)

Note:Issue wire at party's cost

B/o

vrn

To

1 Commercial Tax Officer, Jangaon
2 Appellate Deputy Commissioner (CT) Warangal
3 Two C.Cs to the G.P for Commercial Tax

4 Two C.D copies